

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

TRACY A. VERMELINE, JAVIER D.
IBARRA-GARCIA, and MICHAEL
DAVID CASTORENA,

Defendants.

4:19CR3140

ORDER

Defendant Vermeline has moved to continue the pretrial motion deadline, (Filing No. 26), because Defendant needs additional time to investigate the facts before deciding if pretrial motions should be filed. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Vermeline's motion to continue, (Filing No. 26), is granted.
- 2) **As to all defendants**, pretrial motions and briefs shall be filed on or before February 28, 2020.
- 3) **As to all defendants**, trial of this case is set to commence before the Honorable John M. Gerrard, Chief United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at **9:00 a.m. on April 6, 2020**, or as soon thereafter as the case may be called, for a duration of four (4) trial days. Jury selection will be held at commencement of trial.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and **as to all defendants**, the additional time arising as a result of the granting of the motion, the time between January 30, 2020

today's date and February 28, 2020, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

February 3, 2020.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge